

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD GUTIERREZ,

Plaintiff,

v.

SANTA CLARA COUNTY
DEPARTMENT OF
CORRECTIONS, MEDICAL
DEPARTMENT,

Defendants.

No. C 07-4251 MMC (PR)

EDWARD GUTIERREZ,

Plaintiff,

v.

SANTA CLARA COUNTY
DEPARTMENT OF
CORRECTIONS, DENTAL
DEPARTMENT,

Defendants.

No. C 07-5999 MMC (PR)

**ORDER STAYING PROCEEDINGS
AND ADMINISTRATIVELY
CLOSING CASES; DIRECTIONS
TO CLERK**

In 2007, plaintiff, a California pretrial detainee incarcerated at the Santa Clara County Jail ("SCCJ") and proceeding pro se, filed the above-titled civil rights actions pursuant to 42 U.S.C. § 1983, claiming he was receiving inadequate medical and dental care at the SCCJ. The Court granted plaintiff leave to proceed in forma pauperis in both actions, and dismissed both complaints with leave to amend to cure the noted deficiencies, specifically, plaintiff's failure to name and to adequately connect the defendants to his claims.

Recently, plaintiff wrote a letter informing the Court that he is in the midst of complex criminal trial proceedings and is unable to meet the Court's deadline for filing his amended

1 complaint in action No. C 07-5999. Specifically, plaintiff states he will need “at least 90
2 days to completely investigate and amend this complaint.” (Letter, filed May 8, 2008.)
3 Plaintiff did not write a similar letter in action No. C 07-4251; in view of the fact that
4 plaintiff has not filed his amended complaint therein, however, the Court assumes plaintiff’s
5 ongoing criminal proceedings pose the same hurdles with respect to plaintiff’s meeting the
6 Court’s deadlines in action No. C 07-4251 as they do in action No. C 07-5999.


7 Based on the foregoing, the Court finds it would not prove efficient to grant plaintiff a
8 limited extension of time to file his amended complaints where, due to the ongoing nature of
9 plaintiff’s state criminal proceedings, there is no indication such extension of time will be
10 sufficient and it instead appears that further extensions likely will be required.

11 Consequently, in the interest of justice and good cause appearing, the Court will stay
12 the instant actions until plaintiff’s state criminal proceedings have concluded, at which time
13 plaintiff may, in each case, file a motion to lift the stay. Upon filing such motion in each
14 case, plaintiff must at the same time file, in the relevant case, the amended complaint
15 required by the Court’s order of dismissal with leave to amend.¹ Should plaintiff fail to do so
16 in either or both cases, said case or cases will be dismissed without prejudice.

17 Accordingly, the above-titled actions are hereby STAYED. The Clerk is hereby
18 directed to ADMINISTRATIVELY CLOSE both cases, and to provide plaintiff with two
19 copies of the court’s form civil rights complaint and two return envelopes

20 IT IS SO ORDERED.

21 DATED: September 19, 2008

22 
23 MAKINE M. CHESNEY
24 United States District Judge

25 ¹Plaintiff must use the court’s form civil rights complaint to file his amended
26 complaints. With respect to each amended complaint, plaintiff shall complete the form and
27 include in the caption both the case number of the relevant action and the words
28 “AMENDED COMPLAINT.”